

SUPERIOR COURT, STATE OF CALIFORNIA,

COUNTY OF CONTRA COSTA

APPELLATE DIVISION

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PEOPLE OF THE STATE OF CALIFORNIA,) No. _____
)
Plaintiff and Respondent,)
)
vs.) CONTRA COSTA
) SUPERIOR COURT
ABHINAV BHATNAGAR,) NO. 968674-2
)
Defendant and Appellant.)

TRANSCRIPT OF AUDIOTAPED PROCEEDINGS

BEFORE HONORABLE JOEL GOLUB, COMMISSIONER

ON APPEAL

MARCH 5, 2007

APPEARANCES:

For the Appellant: JUSTICE FIRST
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Transcribed by: JOHN A. ZANDONELLA, CSR No. C-795



1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

2 WALNUT CREEK

3 HONORABLE JOEL GOLUB, COMMISSIONER

4 --oOo--

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6 PEOPLE OF THE STATE OF CALIFORNIA,)

7 Plaintiff,)

8 vs.)

9 ABHINAV BHATNAGAR,)

10 Defendant.)

No. 968674-2

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13
14 REPORTER'S TRANSCRIPT OF AUDIOTAPED PROCEEDINGS

15 TRAFFIC COURT TRIAL

16 MARCH 5, 2007

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18
19 APPEARANCES:

20 OFFICER INGRASSIA, San Ramon Police Department

21 JENNY HUANG, Representing Defendant

22 ABHINAV BHATNAGAR, Defendant

23
24
25
26 Transcribed by: JOHN A. ZANDONELLA, CSR No. C-795



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1 PROCEEDINGS

MARCH 7, 2007

2

3 THE COURT: Abhinav Bhatnagar.

4 Let's find out who everybody is.

5 MR. BHATNAGAR: I'm Abhinav, Your Honor.

6 THE COURT: I'm okay.

7 MR. BHATNAGAR: Good afternoon.

8 THE COURT: Good afternoon.

9 Okay. You are?

10 OFCR. INGRASSIA: I'm Officer Ingrassia, San Ramon
11 Police Department.

12 MS. HUANG: Good afternoon. Jenny Huang with
13 Justice First, attorney for Abhinav Bhatnagar.

14 THE COURT: Is he here today?

15 MS. HUANG: He's right here.

16 THE COURT: It's an auditory recording. So unless
17 you say it, it doesn't, it doesn't count.

18 MS. HUANG: Excuse me. Yes.

19 THE COURT: I know he's here.

20 MS. HUANG: Okay. So this is being recorded then,
21 I just wanted to --

22 THE COURT: It is.

23 MS. HUANG: Okay. Great.

24 THE COURT: That's why I made you do it --

25 MS. HUANG: Okay.

26 THE COURT: -- by saying it verbally.

1 MS. HUANG: Thank you.

2 THE COURT: Okay. Are you ready to proceed?

3 MS. HUANG: Sure.

4 OFFICER INGRASSIA

5 called as a witness on behalf of the people,
6 being duly sworn, testified as follows:

7 DIRET EXAMINAION BY

8 OFCR. INGRASSIA: Good afternoon, Your Honor.

9 Officer Ingrassia, San Ramon Police Department.

10 Your Honor, this citation was issued on
11 September 29th of last year at approximately 2:15 in the
12 morning. At that date and time, I was dressed in full
13 police uniform and operating a fully marked patrol
14 vehicle.

15 I had just turned onto southbound Market Place
16 from Bollinger Canyon Road and I observed a silver
17 Nissan Sentra also traveling southbound. The vehicle
18 made a U-turn at the Montgomery, Montgomery Drive
19 intersection with Market Place against a No U-Turn sign.

20 I got behind the vehicle and made a traffic stop on
21 the vehicle on, he made a -- first we made a left turn
22 on Bollinger Canyon, enforced the traffic stop. The
23 vehicle yielded on Camino Ramon.

24 I exited my patrol car, contacted Mr. Bhatnagar,
25 the gentleman standing to my left, who I recognized from
26 a previous contact. I told Mr. Bhatnagar the reason for

1 the stop and I issued him a citation for Vehicle Code
2 21461(a), failure to obey a sign.

3 Mr. Bhatnagar signed the promise to appear and was
4 released on scene.

5 THE COURT: Okay. And before you start your
6 questions, we'll take a brief recess.

7 MS. HUANG: Okay. Great.

8 (Off the record.)

9 THE COURT: We're back on the record.

10 Questions for the officer, please.

11 MS. HUANG: Yes. I'd like to show the officer an
12 aerial map of the area in which the violation was
13 allegedly made.

14 CROSS-EXAMINATION BY

15 MS. HUANG:

16 Q. Would you take a look at this, Officer.

17 Do you recognize this -- the map and all the
18 streets depicted in here?

19 A. INGRASSIA: Yes.

20 Q. And is this the area on which you spoke?

21 A. Yes.

22 Q. Where were you when you saw Mr. Bhatnagar's
23 vehicle?

24 A. I had just turned onto Market Place from
25 Bollinger Canyon Road.

26 Q. Traveling which direction, east or west?

1 A. I don't remember which direction on Bollinger I
2 was traveling.

3 Q. Okay. And then you said he made an illegal
4 U-turn at Montgomery Street?

5 A. Montgomery.

6 Q. Okay. And did you follow him making that
7 illegal U-turn?

8 A. Yes.

9 Q. Okay. And then you said that you turned left
10 onto Bollinger Canyon Road?

11 A. Yes.

12 Q. Is there any reason why you waited until Camino
13 Ramon to pull him over?

14 A. Yes.

15 Q. Why was that?

16 A. Because we stopped at a red light. And I find
17 it's confusing to put on your red lights when people are
18 stopped at red lights to pull somebody over. So I
19 waited for the traffic to pull out.

20 Q. Okay. And which red light are you talking
21 about, at Bollinger Canyon Road or --

22 A. To make, for a left hand --

23 Q. -- and Market Street?

24 A. -- for left turn traffic.

25 Q. Okay. As you can see from this map, there's
26 other opportunities to pull him over after the

1 stoplight, isn't that right, prior to Camino Ramon?

2 A. I didn't think it was a good officer safety
3 issue to pull somebody over in the middle of Bollinger
4 Canyon Road.

5 Q. Did you recognize Mr. Bhatnagar when you saw
6 him after pulling him over?

7 A. Once I pulled him over, yes.

8 Q. And you knew that he was the driver of the car
9 prior to approaching his car, didn't you?

10 A. No, I didn't.

11 Q. When you approached him, you asked him what the
12 fuck was he doing in San Ramon, didn't you?

13 A. No.

14 Q. And you threatened that you would arrest him if
15 you ever saw him again in San Ramon, didn't you?

16 A. No.

17 Q. Did you run a check on Mr. Bhatnagar's license
18 that evening?

19 A. Yes.

20 Q. And how is it that you came to recognize
21 Mr. Bhatnagar?

22 A. From a previous contact.

23 Q. You had met Mr. Bhatnagar on May -- in May
24 2006, is that correct?

25 A. Yes.

26 Q. And that was in regards to a DUI that you

1 arrested him for, correct?

2 A. Yes.

3 Q. Was Mr. Bhatnagar driving the same car when you
4 arrested him on May 20th as the one he was driving when
5 you pulled him over on September 29th?

6 A. Yes.

7 Q. And what was the outcome of the criminal charge
8 brought against Mr. Bhatnagar for your May, May 2006
9 arrest?

10 A. The outcome?

11 Q. Yes.

12 A. The case was dismissed on a motion.

13 MS. HUANG: I'd like to ask the Court for judicial
14 notice of a case involving Mr. Bhatnagar. I have the
15 minute order from the matter, which was heard by Judge
16 Treat in this Court. And I also have the transcript for
17 the suppression hearing in that case.

18 THE COURT: Show it to the officer. The officer's
19 right here.

20 MS. HUANG: Oh.

21 THE COURT: Okay. Continue, please.

22 MS. HUANG: Q. You testified at the suppression
23 motion hearing, isn't that correct?

24 A. Yes.

25 Q. And you testified under oath in that case, as
26 you did in this case, that Mr. Bhatnagar made an illegal

1 U-turn, isn't that correct?

2 A. Say that again, please.

3 Q. Did you testify in the suppression motion
4 hearing in the prior case involving Mr. Bhatnagar, that
5 he made an illegal U-turn, as you are in this case?

6 A. That he had made an illegal U-turn for --

7 Q. On the evening --

8 A. This evening that we're talking about now --

9 Q. In regards --

10 A. -- or on the original time?

11 Q. In regards to the May 2006 arrest.

12 A. Yes, I did.

13 Q. And Judge Treat didn't believe your testimony
14 in that respect, did he?

15 A. You'll have to ask him.

16 Q. Do you recall whether he believed your
17 testimony in that case?

18 A. I didn't stick around to hear his, his
19 disposition.

20 Q. Okay. And in fact, Judge Treat found that you
21 had no lawful reason to stop Mr. Bhatnagar, didn't he?

22 A. I haven't read these transcripts. I know that
23 the case was dismissed.

24 Q. And isn't it true that Judge Treat concluded,
25 and I quote: "I do not credit the officer's testimony.
26 It appears to me as most credible that the officer was

1 trolling for drunk drivers across from the bar and
2 picked on this defendant because of this race -- because
3 of his race."

4 And you don't recall that ruling, that --

5 A. I wasn't there for that ruling.

6 Q. A witness by the name of Richard Ha (phonetic)
7 testified against you in the prior case you had with
8 Mr. Bhatnagar, correct?

9 A. I haven't read these transcripts.

10 Q. Do you recall a witness testifying against you
11 in that case?

12 A. I wasn't there to see the witness testifying.
13 I left after I testified.

14 Q. Okay. Where was Mr. Bhatnagar when you first
15 saw him on September 29th, 2006?

16 A. He was traveling southbound on Market Place.

17 Q. Okay. And in fact, he was at the Valero gas
18 station when you first saw him, isn't that correct?

19 A. No.

20 Q. You saw him speaking that night with a witness
21 who testified against you in the prior case, isn't that
22 correct?

23 A. No.

24 Q. You are currently under investigation by the
25 Contra County (sic) Sheriff's Department for a complaint
26 filed by the Contra Costa Public Defender's Office

1 relating to Mr. Bhatnagar, isn't that correct?

2 A. Yes.

3 Q. And at the time of the infraction in
4 question --

5 A. Actually, to actually correct my last answer,
6 the investigation has been completed.

7 Q. Okay. And at the time of the infraction in
8 question, you knew that you were being investigated by
9 the Internal Affairs Division as a result of
10 Mr. Bhatnagar's complaint against you for racial
11 profiling, is that correct?

12 A. At the time that this ticket was issued?

13 Q. Yes.

14 A. No, I did not know that yet.

15 Q. On September 29th, you had personal reasons to
16 pull over Mr. Bhatnagar, isn't that right?

17 A. No.

18 Q. And that's why you drove several blocks before
19 pulling over Mr. Bhatnagar, correct?

20 A. The answer was no to the first question.

21 Q. And you did that because you didn't want
22 Richard Ha to see you pulling over Mr. Bhatnagar,
23 correct?

24 A. No.

25 Q. You didn't want him to be another witness
26 against you in this case like he was the prior case,

1 correct?

2 A. No, that's not correct.

3 Q. Judge Treat is not the only Superior Court
4 Judge in this Courthouse who's discredited your
5 testimony under oath, is he?

6 A. I don't, I don't know.

7 Q. In fact, just last month, Judge Kolin
8 discredited your testimony, your sworn testimony in a
9 case against Raymond Eli (phonetic), isn't that correct?

10 A. I wasn't there for his ruling as well.

11 Q. Are you familiar with Raymond Eli?

12 A. Yes.

13 MS. HUANG: I'd like to ask the Court to take
14 judicial notice of a case involving Raymond Anthony Eli,
15 a case heard by Judge Kolin in this Court, for your
16 review.

17 THE COURT: Do you have any other questions?

18 MS. HUANG: I do.

19 THE COURT: Your questions.

20 MS. HUANG: Thank you.

21 Q. Criminal charges against Mr. Eli were dismissed
22 because Judge Kolin concluded, contrary to your sworn
23 testimony, that you had no lawful basis upon which to
24 stop Mr. Eli, isn't that correct?

25 A. I haven't read this yet.

26 Q. Would you like to read it?

1 THE COURT: Go ahead with your questions, Counsel.

2 MS. HUANG: Q. The defendant in that case,
3 Raymond Eli, is African American, isn't he?

4 A. Yes.

5 Q. Other than the two incidents we've discussed on
6 May 20th and September 29th, have you ever had any other
7 communications with Mr. Bhatnagar, either directly or
8 indirectly?

9 A. Other than the two stops, two vehicle stops?

10 Q. That's right.

11 A. Well, there was a DMV hearing.

12 Q. Okay.

13 A. I think that was it.

14 Q. No other communications with Mr. Bhatnagar?

15 A. No.

16 Q. Are you aware that Mr. Bhatnagar and his family
17 have received numerous threatening and harassing phone
18 calls since he was arrested by you on May 20th?

19 A. I'm aware of some sort of incident like that,
20 yes.

21 Q. Have you been advised by anyone with the
22 Internal Affairs division at Contra Costa County that
23 you're not to have any communications with
24 Mr. Bhatnagar?

25 A. I don't, I don't think they advised me of that.

26 MS. HUANG: No further questions. I would just ask

1 that these documents be moved into evidence.

2 THE COURT: And your client is aware that he has
3 the right to remain silent, he has the right to make a
4 statement, you advised him of his rights, is that
5 correct?

6 MS. HUANG: Yes.

7 THE COURT: Any other evidence?

8 MS. HUANG: We'll have testimony from
9 Mr. Bhatnagar.

10 THE COURT: He can do a narrative.

11 MS. HUANG: Okay. I have some questions for him as
12 well, if that's okay.

13 ABHINAV BHATNAGAR

14 the Defendant herein, testified as follows:

15 DIRECT EXAMINATION BY

16 MS. HUANG:

17 Q. What were you doing in San Ramon on the evening
18 of September 29th, Mr. Bhatnagar?

19 A. I had gone to see Mr. Richard Ha to give him
20 the subpoena, which was faxed by the Public Defender's
21 Office. They wanted some information regarding his
22 driver license and address.

23 Q. And why were you meeting with Mr. Ha in person?

24 A. Because he works in the nighttime and he was
25 scared to come to Court on the prior one.

26 Q. And how long were you talking with Richard Ha

1 that evening?

2 A. I talked with him for approximately, at least
3 ten minutes.

4 Q. And where did you meet with him?

5 A. At the same place, Valero gas station.

6 Q. How many exits are there to leave the Valero
7 gas station by car?

8 A. How many exits --

9 Q. Yes.

10 A. -- for this gas station?

11 Q. Yeah, to leave, to exit the gas station by car.

12 A. There's like two.

13 Q. Okay. And I'm gonna show you a photo that you
14 could take a look at and see if that fairly depicts the
15 two exits that you just spoke to.

16 A. Yes.

17 Q. And which exit did you leave from?

18 A. I got out from the carwash exit, the other
19 side. That's the way you usually turn left. I turned
20 left.

21 Q. The second exit.

22 A. Yes.

23 Q. And that was onto Montgomery Street?

24 A. Yes.

25 Q. And which way did you then drive off of, when
26 you exited the gas station?

1 A. I turned left on Market and left on Bollinger.

2 Q. Okay. I'm gonna show you another photo which
3 depicts the area which I believe you said you turned, is
4 that, is that correct?

5 A. Yes.

6 Q. And you turned left from the lane, from the
7 lane that's depicted there in that photo?

8 A. Yes.

9 MS. HUANG: Okay. I'd like to have both of these
10 photos marked as exhibits and put into evidence.

11 Q. At any time that evening, did you make an
12 illegal U-turn?

13 A. No.

14 Q. And at what point did you notice a police car
15 behind you?

16 A. When I was stopped at Market and Bollinger.
17 The car was right behind me.

18 Q. And how long was the police car behind you
19 before you were pulled over?

20 A. I turned left on Bollinger and got to the left
21 lane. I changed into the middle lane. He was behind
22 me, following me past the traffic light. And then he
23 turned his lights on and told me to pull over.

24 Q. And do you recall about what point he turned
25 his lights on?

26 A. On the second traffic light after passing two

1 traffic lights.

2 Q. Okay. And where were you pulled over?

3 A. I was pulled over on Bollinger and Camino
4 Ramon.

5 Q. What happened when Officer Ingrassia approached
6 your car?

7 A. "Do you remember me?"

8 Q. That's what he said?

9 A. Yeah. He said more things, too. He said like,
10 "What the, what the" -- excuse me, Your Honor -- "What
11 the fuck are you doing in San Ramon? I'll break your
12 bones if I see you in San Ramon. (Unintelligible) you
13 can't do anything to me and I can take you to jail
14 anytime."

15 And I mean, at that time I was really scared that I
16 was gonna be beaten up. And I just told, you know,
17 like, "What do you want me to do?"

18 And he said, "I don't want to see you in San Ramon.
19 And if I see you in San Ramon, I'm gonna just hurt you
20 pretty bad," and talking to me in very, verbally
21 abusing. Excuse my language but I have to tell.

22 Q. When Officer Ingrassia mentioned your attorney,
23 what did you take that to mean?

24 A. He meant probably Keven (unintelligible) DMV
25 prior who had questioned him at a DMV hearing, and also
26 Ms. Garita (phonetic) who had complained to the Contra

1 Costa Sheriff Department in August, and this was in
2 September, September 29th.

3 Q. Okay. I'm gonna have this marked as Exhibit 5,
4 which I'd like to show you.

5 Do you recognize this document right here?

6 A. Yes.

7 Q. As?

8 A. Dated September 13, 2006, yes.

9 Q. And what is that?

10 A. It's like the Contra Costa Sheriff County is in
11 receipt of a letter from attorney, Ms. Donna Garita,
12 alleging misconduct on the part of Officer Ingrassia,
13 during my -- your arrest on May 20, 2006, San Ramon
14 Police Report 06-12996. The allegations are taken
15 seriously. Please take the time to complete and return
16 to office citizens report form. And (unintelligible).

17 Q. And that letter's dated September 13th --

18 A. Yes.

19 Q. -- which is a few weeks before the incident in
20 question?

21 A. Yes.

22 Q. How did you react when Ingrassia said those
23 things to you that you testified to?

24 A. I was, I was really scared. And I had, luckily
25 my cell phone, but he seen, he thought like I was on the
26 cell phone or something, so that kind of saved me.

1 But he was upset because I complained and Ms.
2 Garita had complained to the Internal Affairs.

3 Q. I'm gonna show you what I marked as Exhibit 6.
4 And if you could look at it and tell me if this is the
5 letter that -- to which you just testified to.

6 A. Yes.

7 Q. And when was that complaint, when was that
8 letter sent?

9 A. September 29th.

10 Q. The same day of the incident in question --

11 A. Yes.

12 Q. -- correct?

13 A. Yes.

14 Q. This was not the first time Ingrassia has
15 threatened you, Mr. Bhatnagar, is it?

16 A. No.

17 Q. And when was the first time that he threatened
18 you?

19 A. He threatened me at the police station, stating
20 that, "You Asians come and steal jobs here. You look
21 like a terrorist." I was crying. I'm sorry, Your
22 Honor. At that time I was, you know, scared. I've
23 never been arrested my whole life.

24 And he was saying like I was like I was with my
25 grandmother the last stage, and she was an Indian. He
26 said, "Don't cry, don't cry like a little boy. It's

1 just a misdemeanor and I'm not charging for a terrorist
2 crime. And you Asians come and steal jobs here.
3 Wherever you go, you create trouble."

4 And I was just trying to be polite, and I respect
5 police officers. That's my teachings I've been given
6 from my family, you know, despite that.

7 Q. Were these any witnesses to these statements --

8 A. Yes.

9 Q. -- that were made by Ingrassia?

10 A. Yes.

11 Q. And did these witnesses testify in your prior
12 proceeding?

13 A. Yes.

14 Q. In regards to the May 20th arrest, those
15 charges were dismissed against you, isn't that correct?

16 A. Yes.

17 Q. And after the dismissal, did you have occasion
18 to meet with the prosecutor in that case?

19 A. Yes. I had contacted the Deputy District
20 Attorney's Office. And they also felt bad and they also
21 gave a statement regarding, for DMV purposes, that it
22 was an unlawful arrest. And they had given a written
23 statement signed by Deputy, Mr. Foley.

24 Q. And was anything else said at that time?

25 A. He felt sorry for me, you know, like what you
26 went through. I was in his office in Martinez. I had

1 gone to meet him in his office.

2 Q. Other than on May 20th and on September 29th,
3 has Ingrassia ever threatened you at any other time?

4 A. I believe so, over the phone many times. But
5 again, it's usually blocked numbers.

6 Q. And what kinds of things are said to you during
7 these phone calls?

8 A. You know, "I'm gonna break your family, kill
9 your family or fuck your mom."

10 And my dad also is scared, you know, like -- well,
11 you can laugh as much as you want, Officer Ingrassia,
12 but --

13 THE COURT: You need to address your answers to me.

14 MR. BHATNAGAR: Yes.

15 THE COURT: I'm the one making the decision today.

16 MR. BHATNAGAR: Yes, Your Honor.

17 THE COURT: You should be focused on me and not the
18 officer.

19 MR. BHATNAGAR: I'm sorry.

20 THE COURT: You understand me, don't you?

21 MR. BHATNAGAR: Yes, sir.

22 THE COURT: Okay.

23 MR. BHATNAGAR: Thank you.

24 It was pretty aggressive. And I never had any kind
25 of trouble like that, so it was pretty -- I was really
26 scared for my family, too.

1 MS. HUANG:

2 Q. Approximately how many such phone calls have
3 you received?

4 A. At least, until now, like 40 to 50.

5 Q. And did the Contra Costa Public Defender's
6 Office send a letter of complaint on your behalf to the
7 Contra Costa Sheriff's Department?

8 A. Yes.

9 Q. I'd like to have you look at this letter
10 marked as Exhibit 7, and if you could tell me whether
11 this is --

12 THE COURT: I need to interrupt you. You keep
13 marking them with the numeric system. You know as the
14 defendant it's in alpha.

15 MS. HUANG: We're doing letters okay.

16 THE COURT: It's always done that way.

17 MS. HUANG: Okay.

18 THE COURT: And the prosecution or the plaintiff is
19 always done with numeric.

20 MS. HUANG: Thank you, Your Honor.

21 THE COURT: So we're gonna renumber --

22 MS. HUANG: I'll go back and fix it. Okay.

23 THE COURT: We're gonna reletter all of your
24 documents in a moment.

25 MS. HUANG: Okay.

26 THE COURT: You understand that.

1 MS. HUANG: Yes. Thank you.

2 THE COURT: Okay. And if you want us to mark it
3 contemporaneously, if you pass it to the clerk, but you
4 don't have to.

5 MS. HUANG: Okay. Thank you.

6 Q. If you could review this letter and tell me if
7 this is the letter to which you've just testified.

8 A. Yes. It's dated August 30, 2006. And it's
9 Scott Holder, chief of police (unintelligible).

10 Q. Did those phone calls ever stop?

11 A. After the suppress motion, it kind of slowed,
12 but just get like 300 blank calls from late night, 2:00
13 o'clock, 3:00 o'clock, nobody says anything.

14 MS. HUANG: I have no further questions, Your
15 Honor.

16 THE COURT: Okay. Mr. Bhatnagar, obviously what
17 you've been saying are pretty serious allegations,
18 obviously on the face of it.

19 Let me go to another topic, okay?

20 MR. BHATNAGAR: Yes, sir.

21 THE COURT: Did you make the U-turn?

22 MR. BHATNAGAR: No, sir.

23 THE COURT: Did you say that to the officer at the
24 time of the stop?

25 MR. BHATNAGAR: Yes, I did. And he didn't say --
26 he just pulled me on the side, and, "What are you doing

1 here?"

2 He was upset to see me in San Ramon.

3 THE COURT: No, I understand that part.

4 MR. BHATNAGAR: Yes, sir.

5 THE COURT: But did you make any statements to him
6 at that time --

7 MR. BHATNAGAR: No.

8 THE COURT: -- that you can recall?

9 MR. BHATNAGAR: No.

10 THE COURT: Okay. Thank you.

11 Anything else?

12 OFCR. INGRASSIA: Yes, Your Honor. For the record,
13 none of these allegations are obviously true.

14 There is, there was an Internal Affairs
15 investigation brought against me based on these
16 allegations. The Internal Affairs investigation has
17 been completed, and all of the allegations were
18 unfounded because none of them ever happened.

19 The investigation is in the review stage right
20 now, and it will very shortly be ready to look at, if
21 you want to -- I don't know how it works, if you can, if
22 you want to get a copy of that or how it works.

23 But they're unfounded. I have no reason to do any
24 of those things to this man. I contact several people a
25 night and I've made several arrests, and I've never had
26 any other complaints even remotely close to anything

1 like this.

2 So -- but I do maintain my same testimony. I saw
3 him driving, he made a U-turn, he made a left-turn and
4 then I pulled him over and I issued him a citation. So
5 that's all I have.

6 MR. BHATNAGAR: Can I say something, sir?

7 THE COURT: Well, you would want to speak to your
8 attorney first, wouldn't you?

9 MR. BHATNAGAR: I'm sorry.

10 THE COURT: Would you like a brief recess to do
11 that?

12 MS. HUANG: Sure.

13 MR. BHATNAGAR: No, no.

14 THE COURT: Would you like a brief recess to do
15 that?

16 MR. BHATNAGAR: Yeah.

17 THE COURT: Yeah.

18 MR. BHATNAGAR: Can I do --

19 THE COURT: No one -- do you mind? You don't mind.

20 MS. HUANG: No.

21 THE COURT: Okay. And then you can give me those
22 documents which we're waiting for.

23 You can give them to the clerk.

24 MS. HUANG: Okay.

25 THE COURT: And if you want to take a seat, I'll
26 take someone else's case. They'll be happy to go in

1 front.

2 (Break in proceedings.)

3 THE COURT: Recalling the case of Abhinav
4 Bhatnagar.

5 Officer, I believe you had just finished. And
6 there was nothing else you wanted to say, is that true?

7 OFCR. INGRASSIA: That's where we were, yes, sir.

8 THE COURT: Okay. Any other questions for the
9 officer?

10 MS. HUANG: No. I do have a followup in response
11 to --

12 THE COURT: Okay.

13 MS. HUANG: -- your question to Mr. Bhatnagar.

14 THE COURT: No other questions for the officer?

15 MS. HUANG: No.

16 THE COURT: Okay.

17 MS. HUANG: Actually, I'm sorry, I do have one
18 question.

19 THE COURT: Okay.

20 OFFICER INGRASSIA
21 testified further as follows:

22 RECROSS-EXAMINATION BY

23 MS. HUANG:

24 Q. You had stated that you did do a check on
25 Mr. Bhatnagar's license plate, is that correct?

26 A. On his license plate?

1 Q. On his license plate.

2 A. Yes.

3 Q. You did. And at what point did you do that?

4 A. When we were stopped at the Bollinger and
5 Market Place light.

6 MS. HUANG: Okay. No further questions.

7 THE COURT: Okay.

8 MS. HUANG: And then for Mr. Bhatnagar.

9 ABHINAV BHATNAGAR

10 the Defendant herein, testified further
11 as follows:

12 REDIRECT EXAMINATION BY

13 MS. HUANG: Q. I'm gonna have you take a look at
14 Exhibit A, and if you could tell me at which -- there's
15 two exhibits depicted here.

16 A. Uh-huh.

17 Q. Could you show me which exhibit -- which exit
18 you left the gas station.

19 A. Right here near the parking. There's only
20 parking there, says it on there.

21 MS. HUANG: Okay. And for the record, he's
22 pointing to where the red car is indicated at the exit
23 of the Valero gas station.

24 Q. When you pulled into the gas station, where did
25 you park on the evening of September 29th?

26 A. Just right across the carwash in the gas

1 station, there's parking.

2 Q. Okay. And parked at the parking lot that's
3 nearest to Montgomery Street --

4 A. Yes.

5 Q. -- isn't that correct?

6 And so when you left, exited, you left on the
7 Montgomery Street.

8 A. Yes.

9 Q. And then you took the legal left turn from
10 Montgomery onto Market Street.

11 A. Market, yes.

12 MS. HUANG: Okay. Okay. No further questions for
13 Mr. Bhatnagar.

14 THE COURT: Anything else?

15 MS. HUANG: I do have, in response to Officer
16 Ingrassia's representation on the Internal Affairs
17 investigation, we have not been advised that the
18 investigation has concluded in any way.

19 And we were actually informed that even when the
20 investigation concludes, that the findings have to be
21 reviewed by the, by the chief. And so we were told that
22 that would take some time to complete.

23 And despite, you know, regardless of what the
24 findings in that investigation were, we do have, you
25 know, a very similar case involving the same parties
26 here where, in which Officer Ingrassia also claimed that

1 there was an illegal U-turn made.

2 There was no illegal U-turn done here, just as
3 there was no illegal U-turn done in the case in May of
4 2006, as was found by Judge Treat.

5 Officer Ingrassia's testimony is not credible and
6 not believable here. He did not turn his sirens on
7 until several lights down the road on Bollinger Canyon
8 Road. And he had, despite having several opportunities
9 to pull Mr. Bhatnagar over, he did not pull him over
10 until several lights down the street at Camino Ramon.

11 And so to conclude, I would just argue that this
12 case is just yet another example of a continued pattern
13 of harassment by this officer against Mr. Bhatnagar in
14 which he's abused the legal process, and once again has
15 abused legal process here.

16 THE COURT: Anything else?

17 Ms. HUANG: That's it.

18 THE COURT: All right. You know I haven't read any
19 of the documents. They were just given to me. I'll
20 take the case under submission.

21 You have the absolute right, your client has the
22 absolute right -- what's this?

23 THE CLERK: (Unintelligible.)

24 THE COURT: (Unintelligible.)

25 THE CLERK: Yes.

26 THE COURT: Okay. You have the absolute right to

1 have the, have me render a decision in open court. And
2 if you'd like, you can come back, or your attorney can
3 come back and I can do that, or I can mail you a copy of
4 my decision. What do you prefer?

5 MS. HUANG: I think we'd prefer to have it done in
6 open court.

7 THE COURT: When would you like to come back?

8 MS. HUANG: How quickly can we -- how long do you
9 expect to take?

10 THE COURT: When would you like to come back?

11 MS. HUANG: (Unintelligible.)

12 THE COURT: Pick your date.

13 MS. HUANG: Okay. Sometime next week, would that
14 be enough time for Your Honor to review the documents or
15 do you anticipate --

16 THE COURT: When would you like to come back?

17 MS. HUANG: Next week.

18 THE COURT: When?

19 MS. HUANG: Okay. How about, how about next
20 Wednesday?

21 THE COURT: Okay. 1:30?

22 MS. HUANG: March 14th at 1:30.

23 THE COURT: Okay. Officer, is it okay if I mail it
24 to you?

25 OFCR. INGRASSIA: Absolutely, Your Honor.

26 THE COURT: Thank you.

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MS. HUANG: Thank you.

MR. BHATNAGAR: Thank you.

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF CONTRA COSTA)
4

5 I, JOHN A. ZANDONELLA, do hereby certify:

6 That I am a Certified Shorthand Reporter of the
7 State of California, License No. C-795; that the
8 foregoing pages are a true and correct transcription of
9 the audiotaped proceedings before the Honorable Joel
10 Golub, Commissioner, Contra Costa Superior Court, Walnut
11 Creek, California, except as noted "unintelligible" or
12 "inaudible."

13 I further certify that I am not interested in the
14 outcome of said matter nor connected with or related to
15 any of the parties of said matter or to their respective
16 counsel.

17 Dated this 18th day of May, 2007, at Concord,
18 California.
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21 
22 JOHN A. ZANDONELLA, CSR No. C-795
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